

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

OPINION AND ORDER

The court is in receipt of defendant Dawn Murphy's letter of November 5, 2008 requesting leave to appeal the court's order of October 22, 2008 revoking her probation and sentencing her to eight months' imprisonment. The request was dated and filed more than 10 days after the revocation judgment, and is untimely under FED. R. APP. P. 4(b). Whether excusable neglect or good cause exists to extend the time to file a notice of appeal under Fed. R. App. P. 4(b)(4) is a matter the court need not decide because Ms. Murphy waived any right to appeal her conviction, sentence, and any post-conviction proceeding in her petition to enter a guilty plea [Doc. No. 2].

Accordingly, the court DENIES the defendant's belated request to file a notice of appeal [Doc. No. 36].

SO ORDERED.

ENTERED: November 12, 2008

/s/ Robert L. Miller, Jr.  
Chief Judge  
United States District Court

cc: D. Murphy